

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

UNITED STATES OF AMERICA)	CRIMINAL NO. <u>7:24-cr-122</u>
)	21 U.S.C. § 841(a)(1)
)	21 U.S.C. § 841(b)(1)(A)
)	18 U.S.C. § 924(c)(1)(A)
)	18 U.S.C. § 924(d)(1)
-versus-)	21 U.S.C. § 853
)	21 U.S.C. § 881
)	28 U.S.C. § 2461(c)
)	
)	
SERGIO MAGALLAN-TINOCO a/k/a "John Migo")	INDICTMENT

COUNT 1

THE GRAND JURY CHARGES:

On or about November 30, 2023, in the District of South Carolina, the defendant, SERGIO MAGALLAN-TINOCO, a/k/a "John Migo," intentionally and unlawfully did possess with intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance;

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

COUNT 2

THE GRAND JURY FURTHER CHARGES:

On or about November 30, 2023, in the District of South Carolina, the defendant, SERGIO MAGALLAN-TINOCO, a/k/a "John Migo," knowingly possessed a firearm in furtherance of a drug trafficking crime, which is prosecutable in a court of the United States;

In violation of Title 18, United States Code, Section 924(c)(1)(A).

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FORFEITURE**FIREARM/DRUG OFFENSES:**

Upon conviction for felony violations of Title 18 and 21, United States Code as charged in this Indictment, the defendant, SERGIO MAGALLAN-TINOCO, a/k/a "John Migo," shall forfeit to the United States all of the defendant's rights, title, and interest in and to any property, real and personal,

- (a) constituting, or derived from any proceeds the defendant obtained, directly or indirectly, as the result of such violation(s) of Title 21, United States Code, and all property traceable to such property;
- (b) used or intended to be used, in any manner or part, to commit or to facilitate the commission of such violations of Title 21, United States Code;
- (c) any firearms and ammunition (as defined in 18 U.S.C. § 921) –
 - (1) used or intended to be used to facilitate the transportation, sale, receipt, possession or concealment of controlled substances or any proceeds traceable to such property;
 - (2) involved in or used in any knowing violations of 18 U.S.C. §§ 922 or 924, or violation of any other criminal law of the United States or intended to be used in a crime of violence.

PROPERTY:

Pursuant to Title 18, United States Code, Section 924(d)(1), Title 21, United States Code, Sections 853 and 881, and Title 28, United States Code, Section 2461(c), the property which is subject to forfeiture upon conviction of the defendant for the offenses charged in this Indictment includes, but is not limited to, the following:

A. Firearm:

Jiminez Arms JA380
Serial Number: 265615

C. Proceeds/Forfeiture Judgment:

A sum of money equal to all property the defendant obtained as a result of the drug offense charged in the Indictment, and all interest and proceeds traceable thereto as a result of his violation of 21 U.S.C. § 841.

SUBSTITUTION OF ASSETS:

If any forfeited property being subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third person;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) to seek forfeiture of any other property of defendant up to an amount equivalent to the value of the forfeitable property.

Pursuant to Title 18, United States Code, Section 924(d)(1), Title 21, United States Code, Sections 853 and 881, and Title 28, United States Code, Section 2461(c).

A True BILL

[REDACTED]
FOREPERSON

ADAIR F. BOROUGH
UNITED STATES ATTORNEY

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